



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Douglas R. Smith, Hans-Ulrich Thomann and Patrick Cahill

Application No.: 10/061,961

Group: 1634

Filed: February 1, 2002

Examiner: Lu, Frank Wei Min

Confirmation No.: 8757

For: Methods For Determining A Nucleotide At A Specific Location Within A Nucleic Acid Molecule

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
January 9, 2004	<i>Jenine Crump</i>
Date	Signature
<i>Jenine Crump</i>	
Typed or printed name of person signing certificate	

REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement dated July 10, 2003, the claims of Group I (Claims 1, 2, 5-28 and 32) drawn to a method for detecting the presence or absence of a first nucleotide are elected for prosecution. Applicant reserves the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not hereby abandon or waive any rights in the non-elected inventions.

Responsive to the requirement for an election of species for searching purposes, Applicant hereby elects a second nucleotide associated with a fluorescently labeled nucleotide. Claims readable on this species are Claims 1, 5-16 and 18-25. Responsive to the requirement for an election of an additional species for searching purposes, Applicant hereby elects multiple nucleotide variants at the position of said first nucleotide which are tested simultaneously in the same reaction vessel by using more than one labeled primer. Claims 1, 2, 5-18, 20-28 and 32 are readable on this species.

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An extension of time to respond to the Restriction Requirement is respectfully requested.  
A Petition for an Extension of Time and the appropriate fee are being filed concurrently.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Anne J. Collins

Anne J. Collins

Registration No. 40,564

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated:

*January 9, 2004*